IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No. 7358 of 2005

Between:

Chettinad Logistics Private Limited, Company incorporated under Companies Act, Regd. Off: Rani Seethai Hall, 5th Floor,

603, Anna Salai, Chennai-600 006,
rep. by its Chief Executive Sri V. Lakshmanan.

..... PETITIONER

AND

1 A.P. Power General Corporation Limited (APGENCO),

Vidyut Soudha, Hyderabad, rep. by its Manaing Director.
2 Chief Engineer(Generation), A.P.GENCO,

Vidyut Soudha, Hyderabad.

3 M/s. Anand Transport Co.Ltd., No.9, Dr.Radhakrishna Salai,

Chennai – 600 004, Rep. By its Authorized signatory.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or any other appropriate Writ or order or direction, more particularly in the nature of the Writ of Mandamus declaring Lr.No.CEG/511/F. CEG(E5)06/2004-05/D.NO. 74/05, dt. 5.3.2005 issued by the 2nd respondent as illegal, arbitrary and set-aside the same, and direct the respondent No.2 to consider the petitioners bid also along with other eligible bidders in the context of awarding of work covered by Tender Notification No. CEG(E5)06/2004-05, dt. 30.6.2004.

Counsel for the Petitioner: MR.S.CHAKRAPANI

Counsel for the Respondents 1 & 2: MS.URMILA / MRS. SESHA RAJYAM /

MR.M.SREE RAMULU REDDY

Counsel for the Respondent No.3: Mr.C.KODAND RAM

The Court made the following:

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ORDER :

The first respondent invited tenders from the eligible Transport Contractors for transportation of 5-00 Lakh MT coal from M/s. Mahanadi Coal Fields Limited. At the stage of
pre-qualification verification, the petitioner's tender/offer
dated 24-9-2004 was returned in an un-opened condition on the ground that the petitioner did not meet the pre-qualification requirements. Assailing the communication dated 5-3-2005 issued by the second respondent, the present writ petition is filed seeking invalidation of the same.

Though interlocutory matters are coming up for consideration, learned counsel for the first respondent
Ms. E.Urmila submits that the tender notification Spn.No.CEG(E5)06/2004-05 itself was cancelled subsequently. In that view of the matter, the cause of action does not survive. If the petitioner is aggrieved in relation to the tender referred to hereinabove, it shall be open to the petitioner to approach the Court afresh.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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(V.V.S. RAO, J.)

20-06-2005.

Msr.

To

1 The Managing Director, A.P. Power General Corporation

Limited (APGENCO), Vidyut Soudha, Hyderabad.

2 The Chief Engineer(Generation), A.P.GENCO,

Vidyut Soudha, Hyderabad.

3 2 CD copies

HON'BLE SRI JUSTICE V.V.S. RAO

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(Msr)